THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No. 24755 of 1995

Dated: 03.11.2006

Between:

Y.G. Venkatesha & another

… Petitioners

AND

A.P.S.W. Residential Educational Society,
Rep., by its Secretary, Masabtank,
Hyderabad & another.

… Respondents

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ORDER:-

The 1st petitioner holds post graduation degree in M.Sc. (Statistics) and B.Ed. degree, while the 2nd petitioner holds post graduation degree in M.Sc. (Statistics) and also M.Ed. qualification. Both the petitioners are working as postgraduate teachers in the institutions run by the 1st respondent – Society.

The grievance of the petitioners is that while they were not promoted as junior lecturers, certain postgraduate teachers working as juniors to them under the management of the 1st respondent viz., M/s. G. Tirupataiah, N.Vasudevareddy, C.Jayaprakash, A.C.Shekar Reddy and V.K. Bhasker were appointed as junior lecturers. According to the petitioners, the Board of Intermediate has prescribed qualifications for the post of junior lecturer in Mathematics according to which a person holding degree in post graduation (M.A./M.Sc.) with statistics/applied statistics is qualified to be appointed as junior lecturer in Mathematics. The petitioners further alleged that vide letter Rc.No.639/E1-1/81 dated 12.05.1988 of the Secretary, Board of Intermediate Education addressed to one Sri B.Vyasamurthy, retired Principal, Anantapur, the Secretary has informed that the candidates possessing the qualification of M.Sc. (Statistics) with minimum 50% marks are eligible to teach Mathematics at intermediate level in junior colleges subject to

the condition that they should have studied Mathematics as one of the subjects at B.A./B.Sc. level.

Sri K.Rajanna, learned counsel appearing for the petitioners made his submissions on the line of the pleadings contained in the affidavit filed in support of the writ petition. Sri Rajanna also drew my attention to G.O.Ms.No.75, Social Welfare (K) Department dated 24.06.1995, in particular to clause 3(e) of the said G.O., which reads as under:

> "A separate cadre of Junior Lecturers would be prepared from amongst the Post Graduate Teachers by giving due weightage to their qualifications and merit and their teaching and taking into account the qualifications laid down by Intermediate Board of Andhra Pradesh."

The learned counsel for the petitioners also invited my attention to the agenda for the 33rd meeting of the A.P. Board of Intermediate Education and the letter No.639/E1-1/81 dated 23.09.1986 of the Secretary, Board of Intermediate Education (addressee of that letter is not mentioned) in support of his contention that the candidates with M.Sc. (Statistics) qualification are also entitled for being appointed as junior lecturers.

Sri Moola Vijaybhaskar, learned Standing Counsel for the 1st respondent – Society, on the other hand, contended that the 1st respondent society, which is formed under Societies Registration Act, is an autonomous body having its own rules and byelaws. He has drawn my attention to paragraph 7 of the counter-affidavit filed by Sri C.Ranga Rao, Deputy Secretary, Zone IV of Social Welfare Society Institution (Regd.). It is apt to extract the said para hereunder:

> "In reply to the para 6, it is submitted that the Government vide G.O.Ms.No.75 S.W. (K) Dept., dated

> 24.06.1995 accorded permission for starting Intermediate Course in (40) Social Welfare Residential Schools during the year 1995-96. It was also stated in the above G.O., that no additional posts of teaching or non-teaching staff should be created for the purpose of starting Intermediate Course and only the Post Graduate Teacher who were already working in the Schools should be appointed as Junior Lecturers in the upgraded institutions. It is submitted that the Board of Governors in their XXI Meeting held on 03.07.1995 permitted that Secretary, APSWREIS to take action in accordance with the Government Order for starting the Intermediate Course during the year 1995-96 in (40) upgraded schools. The Board of Governors have also approved the revised teaching staff pattern for (40) residential schools by upgrading certain existing posts of postgraduate teachers into junior lecturers. The B.G. also framed and approved certain special rules for appointment of teaching staff in all subjects from amongst the postgraduate teachers under which the relevant qualification for junior lecturer in Maths is M.Sc. Maths or Applied Maths."

Having considered the rival contentions, I am of the view that the petitioner is not entitled to the relief of issuance of a writ of Mandamus declaring that the candidates having the qualification of M.Sc. (Statistics) are eligible to be appointed as junior lecturers in junior colleges under the management of the 1st respondent. Equally, relief to promote the petitioners to the posts of junior lecturers in Mathematics cannot be granted. G.O.Ms.No.75, dated 24.06.1995, which is the primordium of the petitioners' case was issued mainly for the purpose of sanction for starting of Intermediate courses in the selected (40) existing residential schools during the academic year 1995-96. No doubt, clause 3(e) as extracted hereinabove mentions that the postgraduate teachers working in the schools run by the 1st respondent – Society will be considered by creating a separate cadre of junior lecturers and taking into account the qualifications laid down by the Intermediate Board of A.P. However, the Board of Governors of the 1st respondent, evidently in its own wisdom framed special rules

prescribing qualifications for appointment of the postgraduate teachers as junior lecturers in Mathematics. According to the said prescription, which is not denied by the learned counsel for the petitioner, M.Sc., Maths/Applied Maths are the qualifications prescribed for being appointed as junior lecturers in Mathematics. Therefore, on the strength of G.O.Ms.No.75, dated 24.06.1995 no relief can be granted to the petitioners, as admittedly the 1st respondent is an autonomous institution, which is not governed by the institutions rules or regulations issued by the Board of Intermediate Education. The mere mention of the qualifications prescribed by the Board of Intermediate Education in clause 3(e) of G.O.Ms.No.75 dated 24.06.1995 cannot by itself create any right for the petitioners, inasmuch, as the 1st respondent subsequent to the issue of G.O.Ms.No.75, as already mentioned above, framed its own regulations on 03.07.1995 prescribing a separate set of qualifications which did not include the qualification of M.Sc. (Statistics/Applied Statistics).

The Agenda for 33rd meeting dated 06.11.1985 of the Intermediate Board and the letter dated 23.09.1996 of the Secretary, Board of Intermediate Education which refer to M.A./M.Sc. (Statistics/Applied Statistics) also as one of the qualifications for appointment as junior lecturers in Mathematics are liable to be ignored for the same reasons as are already mentioned above, since they did not bind the 1st respondent.

On the aforementioned analysis of the facts and circumstances of the case, the writ petitioners are not entitled to any relief in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

C.V. NAGARJUNA REDDY, J

Date: 03.11.2006
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